

Espionage and Censorship

18 U.S.C. §§793-798 (2018)

§793. GATHERING, TRANSMITTING, OR LOSING DEFENSE INFORMATION

(a) Whoever, for the purpose of obtaining information respecting the national defense with **intent or reason to believe that the information is to be used to the injury of the United States, or to the advantage of any foreign nation**, goes upon, enters, flies over, or otherwise obtains information concerning [any defense facility or property]; or

(b) Whoever, for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts to copy, take, make, or obtain, any sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the national defense; or

(c) Whoever, for the purpose aforesaid, receives or obtains or agrees or attempts to receive or obtain from any person, or from any source whatever, any document [or tangible thing, such as a code book] connected with the national defense, knowing or having reason to believe, at the time he receives or obtains, or agrees or attempts to receive or obtain it, that it has been or will be obtained, taken, made, or disposed of by any person contrary to the provisions of this chapter; or

(d) Whoever, lawfully having possession of, access to, control over, or being entrusted with any document [or tangible thing] relating to the national defense, or information relating to the national defense which information the possessor **has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation**, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted or attempts to communicate, deliver, transmit or cause to be communicated, delivered or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or . . .

(e) [Substantially identical to §793(d), except that it **provides punishment for one having "unauthorized" possession of sensitive materials.**]

(f) [Punishes the loss of such materials through gross negligence or the failure to report their loss, theft, or destruction.]

Shall be fined under this title or imprisoned not more than ten years, or both.

(g) If two or more persons conspire to violate any of the foregoing provisions of this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offense which is the object of such conspiracy. . . .

§794. GATHERING OR DELIVERING DEFENSE INFORMATION TO AID FOREIGN GOVERNMENT

(a) Whoever, with **intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation**, communicates, delivers, or transmits, or attempts to communicate, deliver, or transmit, to any foreign

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government, or to any faction or party or military or naval force within a foreign country . . . or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by death or by imprisonment. . . .

[Sections 795-797 criminalize the disclosure of several specific categories of national security information, including photographs or sketches of defense installations.]

§798. DISCLOSURE OF CLASSIFIED INFORMATION

(a) Whoever knowingly and willfully communicates, furnishes, transmits, or otherwise makes available to an unauthorized person, or publishes, or uses in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States any classified information —

(1) concerning the nature, preparation, or use of any code, cipher, or cryptographic system of the United States or any foreign government; or

(2) concerning the design, construction, use, maintenance, or repair of any device, apparatus, or appliance used or prepared or planned for use by the United States or any foreign government for cryptographic or communication intelligence purposes; or

(3) concerning the communication intelligence activities of the United States or any foreign government; or

(4) obtained by the processes of communication intelligence from the communications of any foreign government, knowing the same to have been obtained by such processes —

Shall be fined under this title or imprisoned. . . .

(b) As used in subsection (a) of this section —

The term “communication intelligence” means all procedures and methods used in the interception of communications and the obtaining of information from such communications by other than the intended recipients; . . .

Public Money, Property, or Records

18 U.S.C. §641 (2018)

Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record, voucher, money, or thing of value of the United States or of any department or agency thereof; or

Whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted —

Shall be fined under this title or imprisoned. . . .

*For employees
of contractors
just transferring
the information
is a crime.*